

## FRIENDSHIP, COMMERCE, AND CONSULAR RIGHTS

*Treaty signed at Washington June 24, 1925; exchanges of notes at Washington June 24, 1925, and at Budapest September 4, 1925 Senate advice and consent to ratification, with reservations and understandings, March 26, 1926*<sup>1</sup>

*Ratified by Hungary April 1, 1926*

*Ratified by the President of the United States, with reservations and understandings, June 16, 1926*<sup>1</sup>

*Ratifications exchanged at Budapest September 4, 1926*

*Entered into force October 4, 1926*

*Proclaimed by the President of the United States October 4, 1926*

*Revived (after World War II) March 9, 1948,<sup>2</sup> pursuant to article 10 of treaty of peace signed at Paris February 10, 1947*<sup>3</sup>

*Terminated July 5, 1952*<sup>4</sup>

44 Stat. 2441; Treaty Series 748

### TREATY

The United States of America and the Kingdom of Hungary, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the peoples thereof, have resolved to conclude a Treaty of Friendship, Commerce and Consular Rights and for that purpose have appointed as their Plenipotentiaries:

The President of the United States of America: Frank B. Kellogg, Secretary of State of the United States, and

The Governor of Hungary: Count László Széchenyi, Envoy Extraordinary and Minister Plenipotentiary of Hungary to the United States of America.

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

<sup>1</sup> For text of U.S. reservations and understandings, see exchanges of notes, p. 1130.

<sup>2</sup> *Department of State Bulletin*, Mar. 21, 1948, p. 382.

<sup>3</sup> TIAS 1651, *ante*, vol. 4, p. 457.

<sup>4</sup> Pursuant to notice of termination given by the United States July 5, 1951.

ARTICLE I <sup>5</sup>

The nationals of each of the High Contracting Parties shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in professional, scientific, religious, philanthropic, manufacturing and commercial work of every kind without interference; to carry on every form of commercial activity which is not forbidden by the local law; to own, erect or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial and mortuary purposes; to employ agents of their choice, and generally to do anything incidental to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the state of residence or as nationals of the nation hereafter to be most favored by it, submitting themselves to all local laws and regulations duly established.

The nationals of either High Contracting Party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by its nationals.

The nationals of each High Contracting Party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defence of their rights, and in all degrees of jurisdiction established by law.

The nationals of each High Contracting Party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

## ARTICLE II

With respect to that form of protection granted by National, State or Provincial laws establishing civil liability for injuries or for death, and giving to relatives or heirs or dependents of an injured party a right of action or a pecuniary benefit, such relatives or heirs or dependents of the injured party, himself a national of either of the High Contracting Parties and within any of the territories of the other, shall regardless of their alienage or residence outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals, and under like conditions.

## ARTICLE III

The dwellings, warehouses, manufactories, shops and other places of business, and all premises thereto appertaining of the nationals of each of the

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<sup>5</sup> For a U.S. reservation relating to art. I, see exchanges of notes, p. 1130.

High Contracting Parties in the territories of the other used for any purposes set forth in Article I, shall be respected. It shall not be allowable to make a domiciliary visit to, or search of any such buildings and premises, or there to examine and inspect books, papers or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals.

#### ARTICLE IV

Where, on the death of any person holding real or other immovable property or interests therein within the territories of one High Contracting Party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other High Contracting Party, whether resident or non-resident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Nationals of either High Contracting Party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation, or otherwise, and their heirs, legatees and donees, of whatsoever nationality, whether resident or non-resident, shall succeed to such personal property, and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the High Contracting Party within whose territories such property may be or belong shall be liable to pay in like cases.

#### ARTICLE V

The nationals of each of the High Contracting Parties in the exercise of the right of freedom of worship, within the territories of the other, as hereinabove provided, may, without annoyance or molestation of any kind by reason of their religious belief or otherwise, conduct services either within their own houses or within any appropriate buildings which they may be at liberty to erect and maintain in convenient situations, provided their teachings or practices are not contrary to public morals; and they may also be permitted to bury their dead according to their religious customs in suitable and convenient places established and maintained for the purpose, subject to the reasonable mortuary and sanitary laws and regulations of the place of burial.

## ARTICLE VI

In the event of war between either High Contracting Party and a third State, such Party may draft for compulsory military service nationals of the other having a permanent residence within its territories and who have formally, according to its laws, declared an intention to adopt its nationality by naturalization, unless such individuals depart from the territories of said belligerent Party within sixty days after a declaration of war.

## ARTICLE VII

Between the territories of the High Contracting Parties there shall be freedom of commerce and navigation. The nationals of each of the High Contracting Parties equally with those of the most favored nation, shall have liberty freely to come with their vessels and cargoes to all places, ports and waters of every kind within the territorial limits of the other which are or may be open to foreign commerce and navigation. Nothing in this treaty shall be construed to restrict the right of either High Contracting Party to impose, on such terms as it may see fit, prohibitions or restrictions of a sanitary character designed to protect human, animal or plant life, or regulations for the enforcement of police or revenue laws.

Each of the High Contracting Parties binds itself unconditionally to impose no higher or other duties or conditions and no prohibition on the importation of any article, the growth, produce or manufacture, of the territories of the other than are or shall be imposed on the importation of any like article, the growth, produce or manufacture of any other foreign country.

Each of the High Contracting Parties also binds itself unconditionally to impose no higher or other charges or other restrictions or prohibitions on goods exported to the territories of the other High Contracting Party than are imposed on goods exported to any other foreign country.

Any advantage of whatsoever kind which either High Contracting Party may extend to any article, the growth, produce, or manufacture of any other foreign country shall simultaneously and unconditionally, without request and without compensation, be extended to the like article the growth, produce or manufacture of the other High Contracting Party.

With respect to the amount and collection of duties on imports and exports of every kind, each of the two High Contracting Parties binds itself to give to the nationals, vessels and goods of the other the advantage of every favor, privilege or immunity which it shall have accorded to the nationals, vessels and goods of a third State, and regardless of whether such favored State shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment. Every such favor, privilege or immunity which shall hereafter be granted the nationals, vessels or goods of a third State shall simultaneously and unconditionally, without request and without com-

pensation, be extended to the other High Contracting Party, for the benefit of itself, its nationals and vessels.

All articles which are or may be legally imported from foreign countries into ports of the United States in vessels of the United States may likewise be imported into those ports in Hungarian vessels without being liable to any other or higher duties or charges whatsoever than if such articles were imported in vessels of the United States; and, reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Hungary in Hungarian vessels, may likewise be imported into these ports in vessels of the United States without being liable to any other or higher duties or charges whatsoever than if such articles were imported from foreign countries in Hungarian vessels.<sup>6</sup>

The stipulations of the Article do not extend to the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the Commercial Convention concluded by the United States and Cuba on December 11, 1902,<sup>7</sup> or any other commercial convention which hereafter may be concluded by the United States with Cuba, or to the commerce of the United States with any of its dependencies and the Panama Canal Zone under existing or future laws.

#### ARTICLE VIII

The nationals and merchandise of each High Contracting Party within the territories of the other shall receive the same treatment as nationals and merchandise of the country with regard to internal taxes, transit duties, charges in respect to warehousing and other facilities and the amount of drawbacks and bounties.

#### ARTICLE IX

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, National, State or Provincial, of either High Contracting Party and maintain a central office within the territories thereof, shall have their juridical status recognized by the other High Contracting Party provided that they pursue no aims within its territories contrary to its laws. They shall enjoy free access to the courts of law and equity, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of such corporations and associations of either High Contracting Party so recognized by the other to establish themselves within its territories,

<sup>6</sup> For a U.S. understanding relating to the sixth paragraph of art. VII, see exchanges of notes, p. 1130.

<sup>7</sup> TS 427, *ante*, vol. 6, p. 1106, CUBA.

establish branch offices and fulfill their functions therein shall depend upon, and be governed solely by, the consent of such Party as expressed in its National, State or Provincial laws.

#### ARTICLE X

The nationals of either High Contracting Party shall enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the organization of and participation in limited liability and other corporations and associations, for pecuniary profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such nationals shall be subjected to no conditions less favorable than those which have been or may hereafter be imposed upon the nationals of the most favored nation. The rights of any of such corporations or associations as may be organized or controlled or participated in by the nationals of either High Contracting Party within the territories of the other to exercise any of their functions therein, shall be governed by the laws and regulations, National, State or Provincial, which are in force or may hereafter be established within the territories of the Party wherein they propose to engage in business. The foregoing stipulations do not apply to the organization of and participation in political associations.

The nationals of either High Contracting Party shall, moreover, enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain of the other.

#### ARTICLE XI

(a) Manufacturers, merchants, and traders domiciled within the jurisdiction of one of the High Contracting Parties may operate as commercial travelers either personally or by means of agents or employees within the jurisdiction of the other High Contracting Party on obtaining from the latter, upon payment of a single fee, a license which shall be valid throughout its entire territorial jurisdiction.

In case either of the High Contracting Parties shall be engaged in war, it reserves to itself the right to prevent from operating within its jurisdiction under the provisions of this Article, or otherwise, enemy nationals or other aliens whose presence it may consider prejudicial to public order and national safety.

(b) In order to secure the license above mentioned the applicant must obtain from the country of domicile of the manufacturers, merchants and traders represented a certificate attesting his character as a commercial traveler. This certificate, which shall be issued by the authority to be designated in each country for the purpose, shall be visáed by the consul of the country in which the applicant proposes to operate, and the authorities of the latter shall, upon the presentation of such certificate, issue to the applicant the national license as provided in Section (a).

(c) A commercial traveler may sell his samples without obtaining a special license as an importer.

(d) Samples without commercial value shall be admitted to entry free of duty.

Samples marked, stamped or defaced in such manner that they cannot be put to other uses shall be considered as objects without commercial value.

(e) Samples having commercial value shall be provisionally admitted upon giving bond for the payment of lawful duties if they shall not have been withdrawn from the country within a period of six (6) months.

Duties shall be paid on such portion of the samples as shall not have been so withdrawn.

(f) All customs formalities shall be simplified as much as possible with a view to avoid delay in the despatch of samples.

(g) Peddlers and other salesmen who vend directly to the consumer, even though they have not an established place of business in the country in which they operate, shall not be considered as commercial travelers, but shall be subject to the license fees levied on business of the kind which they carry on.

(h) No license shall be required of:

1.—Persons traveling only to study trade and its needs, even though they initiate commercial relations, provided they do not make sales of merchandise.

2.—Persons operating through local agencies which pay the license fee or other imposts to which their business is subject.

3.—Travelers who are exclusively buyers.

(i) Any concessions affecting any of the provisions of the present Article that may hereafter be granted by either High Contracting Party, either by law or by treaty or convention, shall immediately be extended to the other Party.

## ARTICLE XII

(a) Regulations governing the renewal and transfer of licenses issued under the provisions of Article XI, and the imposition of fines and other penalties for any misuse of licenses may be made by either of the High Contracting Parties whenever advisable within the terms of Article XI and without prejudice to the rights defined therein.

If such regulations permit the renewal of licenses, the fee for renewal will not be greater than that charged for the original license.

If such regulations permit the transfer of licenses, upon satisfactory proof that transferee or assignee is in every sense the true successor of the original licensee, and that he can furnish a certificate of identification similar to that furnished by the original licensee, he will be allowed to operate as a commercial traveler pending the arrival of the new certificate of identification, but the cancellation of the bond for the samples shall not be effected before the arrival of the said certificate.

(b) It is the citizenship of the firm that the commercial traveler represents, and not his own, that governs the issuance to him of a certificate of identification.

The High Contracting Parties agree to empower the local customs officials or other competent authorities to issue the said licenses upon surrender of the certificate of identification and authenticated list of samples, acting as deputies of the central office constituted for the issuance and regulation of licenses. The said officials shall immediately transmit the appropriate documentation to the central office, to which the licensee shall thereafter give due notice of his intention to ask for the renewal or transfer of his license, if these acts be allowable, or cancellation of his bond, upon his departure from the country. Due notice in this connection will be regarded as the time required for the exchange of correspondence in the normal mail schedules, plus five business days for purposes of official verification and registration.

(c) It is understood that the traveler will not engage in the sale of other articles than those embraced by his line of business; he may sell his samples, thus incurring an obligation to pay the customs duties thereupon, but he may not sell other articles brought with him or sent to him, which are not reasonably and clearly representative of the kind of business he purports to represent.

(d) Advertising matter brought by commercial travelers in appropriate quantities shall be treated as samples without commercial value. Objects having a depreciated commercial value because of adaptation for purposes of advertisement, and intended for gratuitous distribution, shall, when introduced in reasonable quantities, also be treated as samples without commercial value. It is understood, however, that this prescription shall be subject to the customs laws of the respective countries. Samples accompanying the commercial traveler will be despatched as a portion of his personal baggage; and those arriving after him will be given precedence over ordinary freight.

(e) If the original license was issued for a period longer than six months, or if the license be renewed, the bond for the samples will be correspondingly extended. It is understood, however, that this prescription shall be subject to the customs laws of the respective countries.



## ARTICLE XIII

There shall be complete freedom of transit through the territories including territorial waters of each High Contracting Party on the routes most convenient for international transit, by rail, navigable waterway, and canal, other than the Panama Canal and waterways and canals which constitute international boundaries of the United States, to persons and goods coming from or going through the territories of the other High Contracting Party, except such persons as may be forbidden admission into its territories or goods of which the importation may be prohibited by law. Persons and goods in transit shall not be subjected to any transit duty, or to any unnecessary delays or restrictions, and shall be given national treatment as regards charges, facilities, and all other matters.

Goods in transit must be entered at the proper customhouse, but they shall be exempt from all customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic.

## ARTICLE XIV

Each of the High Contracting Parties agrees to receive from the other, consular officers in those of its ports, places and cities, where it may be convenient and which are open to consular representatives of any foreign country.

Consular officers of each of the High Contracting Parties shall, after entering upon their duties, enjoy reciprocally in the territories of the other all the rights, privileges, exemptions, and immunities, which are enjoyed by officers of the same grade of the most-favored-nation. As official agents, such officers shall be entitled to the high consideration of all officials, national or local, with whom they have official intercourse in the State which receives them.

The Government of each of the High Contracting Parties shall furnish free of charge the necessary exequatur of such consular officers of the other as present a regular commission signed by the chief executive of the appointing State and under its great seal; and it shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his Government, or by any other competent officer of that Government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function. On the exhibition of an exequatur, or other document issued in lieu thereof to such subordinate, such consular officer shall be permitted to enter upon his duties and to enjoy the rights, privileges and immunities granted by this treaty.

## ARTICLE XV

Consular officers, nationals of the State by which they are appointed, shall be exempt from arrest except when charged with the commission of offenses

locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever. In criminal cases the attendance at the trial by a consular officer as a witness may be demanded by the prosecution or defense. The demand shall be made with all possible regard for the consular dignity and the duties of the office; and there shall be compliance on the part of the consular officer.

Consular officers shall be subject to the jurisdiction of the courts in the State which receives them in civil cases, subject to the proviso, however, that when the officer is a national of the State which appoints him and is engaged in no private occupation for gain, his testimony shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at the trial whenever it is possible to do so without serious interference with his official duties.

#### ARTICLE XVI

Consular officers, including employees in a consulate, nationals of the State by which they are appointed other than those engaged in private occupations for gain within the State where they exercise their functions shall be exempt from all taxes, National, State, Provincial and Municipal, levied upon their persons or upon their property, except taxes levied on account of the possession or ownership of immovable property situated in, or income derived from property of any kind situated or belonging within the territories of the State within which they exercise their functions. All consular officers and employees, nationals of the State appointing them, shall be exempt from the payment of taxes on the salary, fees or wages received by them in compensation for their consular services.

Lands and buildings situated in the territories of either High Contracting Party, of which the other High Contracting Party is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, National, State, Provincial and Municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

#### ARTICLE XVII

Consular officers may place over the outer door of their respective offices the arms of their State with an appropriate inscription designating the official office. Such officers may also hoist the flag of their country on their offices including those situated in the capitals of the two countries. They may likewise hoist such flag over any boat or vessel employed in the exercise of the consular function.

The consular offices and archives shall at all times be inviolable. They shall under no circumstances be subjected to invasion by any authorities of any character within the country where such offices are located. Nor shall the authorities under any pretext make any examination or seizure of papers or other property deposited within a consular office. Consular offices shall not be used as places of asylum. No consular officer shall be required to produce official archives in court or testify as to their contents.

Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, secretaries or chancellors, whose official character may have previously been made known to the government of the State where the consular function was exercised, may temporarily exercise the consular function of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, prerogatives and immunities granted to the incumbent.

#### ARTICLE XVIII

Consular officers, nationals of the State by which they are appointed, may, within their respective consular districts, address the authorities, National, State, Provincial or Municipal, for the purpose of protecting their countrymen in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital may apply directly to the government of the country.

#### ARTICLE XIX

Consular officers may, in pursuance of the laws of their own country, take, at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territories of, their own country. Such officers may draw up, attest, certify and authenticate unilateral acts, deeds, and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party. They may draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the State by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions and contracts relating to property situated, or business to be transacted within, the territories of the State by which they are appointed, embracing unilateral acts, deeds, testamentary dispositions or agreements executed solely by nationals of the State within which such officers exercise their functions.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated under his official seal by the consular officer,

shall be received as evidence in the territories of the Contracting Parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized in the country by which the consular officer was appointed; provided, always that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

#### ARTICLE XX

In case of the death of a national of either High Contracting Party in the territory of the other without having in the territory of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the State of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the parties interested.

In case of the death of a national of either of the High Contracting Parties without will or testament, in the territory of the other High Contracting Party, the consular officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as a national of the country where he was appointed.

#### ARTICLE XXI

A consular officer of either High Contracting Party may in behalf of his non-resident countrymen receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called Workmen's Compensation Laws or other like statutes provided he remit any funds so received through the appropriate agencies of his Government to the proper distributees, and provided further that he furnish to the authority or agency making distribution through him reasonable evidence of such remission.

#### ARTICLE XXII

Each of the High Contracting Parties agrees to permit the entry free of all duty and without examination of any kind, of all furniture, equipment

and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property, whether accompanying the officer to his post or imported at any time during his incumbency thereof; provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the High Contracting Parties, may be brought into its territories.

It is understood, however, that this privilege shall not be extended to consular officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to governmental supplies.

#### ARTICLE XXIII

Subject to any limitation or exception hereinabove set forth, or hereinafter to be agreed upon, the territories of the High Contracting Parties to which the provisions of this Treaty extend shall be understood to comprise all areas of land, water, and air over which the Parties claim and exercise dominion as sovereign thereof, except the Panama Canal Zone.

#### ARTICLE XXIV

Nothing in the present Treaty shall be construed to limit or restrict in any way the rights, privileges and advantages accorded to the United States or its nationals or to Hungary or its nationals by the treaty between the United States and Hungary establishing friendly relations, concluded August 29, 1921.<sup>8</sup>

#### ARTICLE XXV

The present Treaty shall become effective on the thirtieth day following the exchange of ratifications, and shall remain in force for a term of ten years.

If within one year before the expiration of the aforesaid period of ten years neither High Contracting Party notifies to the other an intention of modifying, by change or omission, any of the provisions of any of the articles in this Treaty or of terminating it upon expiration of the aforesaid period, the Treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the High Contracting Parties shall have notified to the other an intention of modifying or terminating the Treaty.

#### ARTICLE XXVI

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Budapest as soon as possible.

<sup>8</sup> TS 660, *ante*, p. 982.

In witness whereof the respective plenipotentiaries have signed the same and affixed their seals hereto.

Done in duplicate in the English and Hungarian languages, at Washington, this twenty-fourth day of June, 1925.

FRANK B. KELLOGG [SEAL]

LÁSZLÓ SZÉCHÉNYI [SEAL]

#### EXCHANGES OF NOTES

*The Secretary of State to the Hungarian Minister*

DEPARTMENT OF STATE

*Washington, June 24, 1925*

SIR:

I have the honor to inform you that, in signing this day a treaty of friendship, commerce and consular rights between the United States of America and the Kingdom of Hungary, I understand and anticipate that the consent of the Senate of the United States to the ratification of the treaty will be subject to reservations and understandings to be set forth in an exchange of notes between the Contracting Parties in connection with the exchange of ratifications so as to make it plain that this condition is understood and accepted by each of them, and that these reservations and understandings shall be in substance to the effect that there be added to Article I of the treaty a statement that nothing contained therein shall be construed to affect existing statutes of either country in relation to the immigration of aliens or the right of either country to enact such statutes and also that the sixth paragraph of Article VII of the treaty shall remain in force for twelve months from the date on which the treaty becomes effective, and if not then terminated on ninety days' previous notice shall remain in force until either of the High Contracting Parties shall enact legislation inconsistent therewith when the same shall automatically lapse at the end of sixty days from such enactment, and on such lapse each High Contracting Party shall enjoy all the rights which it would have possessed had such paragraph not been embraced in the treaty.

I should appreciate a communication from you giving assurance that you understand and anticipate that the consent of the Senate of the United States to the ratification of the treaty will be subject to the reservations and understandings substantially as aforesaid.

Accept, Sir, the renewed assurances of my highest consideration.

FRANK B. KELLOGG

COUNT LÁSZLÓ SZÉCHÉNYI  
*Minister of Hungary.*

*The Hungarian Minister to the Secretary of State*

ROYAL HUNGARIAN LEGATION  
*Washington, D.C., June 24, 1925*

SIR:

I have the honor to acknowledge receipt of your note of today informing me that in signing this date a treaty of friendship, commerce and consular rights between the United States of America and the Kingdom of Hungary, you understand and anticipate that the consent of the Senate of the United States to the ratification of the treaty will be subject to reservations and understandings to be set forth in an exchange of notes between the Contracting Parties in connection with the exchange of ratifications so as to make it plain that this condition is understood and accepted by each of them, and that those reservations and understandings shall be in substance to the effect that there be added to Article I of the treaty a statement that nothing contained therein shall be construed to affect existing statutes of either country in relation to the immigration of aliens or the right of either country to enact such statutes, and also that the sixth paragraph of Article VII of the treaty shall remain in force for twelve months from the day on which the treaty becomes effective, and if not then terminated on ninety days' previous notice shall remain in force until either of the High Contracting Parties shall enact legislation inconsistent therewith when the same shall automatically lapse at the end of sixty days from such enactment, and on such lapse each High Contracting Party shall enjoy all the rights which it would have possessed had such paragraph not been embraced in the treaty.

You state further that you would appreciate a communication from me giving assurance that I understand and anticipate that the consent of the Senate of the United States to the ratification of the treaty will be subject to the reservations and understandings substantially as stated in your note.

In reply I take pleasure in informing you that in signing this day a treaty of friendship, commerce and consular rights between the Kingdom of Hungary and the United States of America, I understand and anticipate that the consent of the Senate of the United States to the ratification of the treaty will be subject to the reservations substantially as stated in your note under acknowledgement.

Accept, Sir, the renewed assurances of my highest consideration.

SZÉCHÉNYI

The Honorable

FRANK B. KELLOGG

*Secretary of State*

*The American Minister to the Acting Minister of Foreign Affairs*

LEGATION OF THE  
UNITED STATES OF AMERICA  
BUDAPEST, *September 4, 1926*

No. 505

## EXCELLENCY:

As you are aware, at the time of the signature at Washington on June 24, 1925, of the Treaty of Friendship, Commerce and Consular Rights between the United States of America and the Kingdom of Hungary, an exchange of notes was made between the Secretary of State of the United States and the Envoy Extraordinary and Minister Plenipotentiary of Hungary at Washington, in which the understanding was stated and accepted that the ratification of the said Treaty would be subject to reservations and understandings to be set forth in an exchange of notes between the contracting parties in connection with the exchange of ratifications of the said Treaty so as to make it plain that this condition is understood and accepted by each of them, and that these reservations and understandings shall be in substance to the effect that there be added to Article I of the Treaty a statement that nothing contained therein shall be construed to affect existing statutes of either country in relation to the immigration of aliens or the right of either country to enact such statutes, and also that the sixth paragraph of Article VII of the said Treaty shall remain in force for twelve months from the day on which the Treaty becomes effective, and, if not then terminated, on ninety days previous notice shall remain in force until either of the High Contracting Parties shall enact legislation inconsistent therewith, when the same shall automatically lapse at the end of sixty days from such enactment, and on such lapse each High Contracting Party shall enjoy all the rights which it would have possessed had such paragraph not been embraced in the Treaty.

Since that date the Senate in fact, when giving its advice and consent to the ratification of this Treaty, did so with the reservations above set forth.

I am, therefore, instructed by my Government in proceeding to the exchange of ratifications of the Treaty aforesaid, to state to Your Excellency that the exchange is made on the condition, understood and accepted by each of the High Contracting Parties, that its ratification of the said Treaty is subject to the reservations and understandings above recited and set forth in an exchange of notes of June 24, 1925, by the Secretary of State of the United States and the Envoy Extraordinary and Minister Plenipotentiary of Hungary at Washington.

You may regard this note as sufficient acceptance by the Government of the United States of these reservations and understandings, and an acknowledgment of this note on the occasion of the exchange of ratifications, accepting, by direction and on behalf of the Government of Hungary, the said reservations and understandings will be considered by the Government of



the United States as completing the required exchange of notes and the acceptance of both Governments of the reservations and understandings.

I avail myself, Mr. Minister, of this occasion to renew to Your Excellency the assurances of my high consideration.

THEODORE BRENTANO

His Excellency

DR. LOUIS WALKÓ,

*Acting Royal Hungarian*

*Minister for Foreign Affairs, Budapest*

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*The Acting Minister of Foreign Affairs to the American Minister*

[TRANSLATION]

ROYAL MINISTRY OF  
FOREIGN AFFAIRS OF HUNGARY

BUDAPEST, *September 4, 1926*

71.515/3-1926

Mr. MINISTER:

On the basis of the high authorization of August 28, this year of His Serene Highness the Governor, I have the honor to advise Your Excellency that the Royal Hungarian Government accepts on its part the reservations and understandings contained in your esteemed note of September 4, this year, concerning Article I, and further paragraph six of Article VII of the Treaty of Friendship, Commerce and Consular Rights concluded with the United States of America, at Washington on June 24, 1925.

Please, accept, Your Excellency, the expression of my high consideration.

WALKÓ

His Excellency

THEODORE BRENTANO

*Envoy Extraordinary and Minister Plenipotentiary*

*of the United States of America*

*Budapest*